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August 7, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Royce Corley v. Cyrus Vance, Jr., et al.
15 Civ. 1800 (KPF)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York, Giancarlo Cavallo, Brian Conroy, Michael Daly, Shari Hyman, Greg Smith, Jessica Sterling, and Mark Woods ("City Defendants") in the above-referenced matter. City Defendants respectfully request that the court conference scheduled for August 19, 2020, be adjourned to a date convenient to the Court on or after October 6, 2020; and that the deadline to file the post-discovery joint status letter also be extended.

This is the City Defendants' first request for an adjournment of the August 19th conference. City Defendants conferred with counsel for Co-Defendants Vance, Pederson Stuart, Temples, and Weiss ("DA Defendants") and she consents to this request. On August 5, 2020, City Defendants attempted to contact Plaintiff by telephone at the facility Plaintiff *pro se* listed as his address of record but was unsuccessful.

As the Court is aware, Plaintiff's remaining claims in this case involve allegations of malicious abuse of process and unlawful search and seizure stemming from his 2012 arrest and subsequent prosecution. (See Opinion and Order dated March 27, 2019, ECF No. 294, at pp. 36-38; 41-43.) Pursuant to the Civil Case Management Plan the parties are next to appear for a post fact discovery conference. (See ECF No. 312.) That conference was initially scheduled for March 26, 2020 but was thereafter adjourned due to the COVID-19 public health crisis. (See Scheduling Order dated June 9, 2020, ECF No. 378.) As part of the Scheduling Order dated June 9, 2020, a joint status letter is due to be filed by August 13, 2020, in advance of that conference. (See ECF No. 378.)

Last week, this case was transferred to the undersigned. In light of this Office's remote working guidelines due to the health pandemic, new counsel for City Defendants has not yet had an opportunity to fully review the electronic file or to retrieve the paper portion of the file that was kept in the office of former counsel. Additionally, the undersigned has a previously scheduled vacation for the week of August 10, 2020. Defendants are also unable to confer with Plaintiff concerning the joint letter as it does not appear that the most recently reported address for Plaintiff is accurate. The facility informed City Defendants that Plaintiff is no longer there, and they did not have a forwarding address. Moreover,

on August 5, 2020, City Defendants attempted to locate Plaintiff via the Federal Bureau of Prisons inmate locator, and it indicated that a person with Plaintiff's name and register number was "released on 7/31/2020."

The requested adjournment is necessary to allow the newly assigned counsel for City Defendants to familiarize himself with this file, confer and coordinate with counsel for DA Defendants, and attempt to confer with Plaintiff. Due to prior scheduling conflicts for both the undersigned and counsel for DA Defendants, it is respectfully requested that the post-fact discovery conference be adjourned to a date convenient to the Court on or after October 6, 2020 and that the deadline to file a joint status letter also be extended therewith.

City Defendants thank the Court for its consideration in this regard.

Respectfully submitted,

Corey S. Shook /s

Corey S. Shook
Senior Counsel
Special Federal Litigation Division

cc: Royce Corley (By U.S. Mail)
Plaintiff, Pro Se
104 Gold Street
Brooklyn, New York 11201

Christina Ante, Esq. (By ECF)
Attorney for Co-Defendants Vance,
Pederson Stuart, Temples, and Weiss
New York County District
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One Hogan Place
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Application GRANTED. The post-fact discovery conference is hereby ADJOURNED to October 22, 2020, at 10:00 a.m. Moreover, the parties are ORDERED to provide the required joint status letter on or before October 15, 2020. If Defendants are completely unable to contact Plaintiff, they should submit a joint letter on that date without Plaintiff's input.

Dated: August 7, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Royce Corley
104 Gold Street
Brooklyn, NY 11201